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AUG 25 2006

**REMARKS**

In view of the following discussion, the Applicant submits that none of the claims now pending in the application is unpatentable under the provisions of 35 U.S.C. §112. Thus, the Applicant believes that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 1-21 UNDER 35 U.S.C. § 112****A. Paragraph 1 - Written Description Requirement**

Claims 1-21 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner submits that the original disclosure does not support the limitation of a probe comprising a material having temperature-dependent magnetic properties "that allow a magnetic moment of the probe to be modulated in a range of temperatures above a Curie temperature of the material". Although the Applicant disagrees with the rejection, the Applicant has nevertheless amended independent claims 1, 18 and 20, from which claims 2-13, 16-17, 19 and 21 depend, in order to remove the disputed limitation. Claims 14-15 have been cancelled without prejudice. Accordingly, the Applicant respectfully requests that the rejection of claims 1-21 under 35 U.S.C. § 112, first paragraph be withdrawn.

**B. Paragraph 1 - Enablement Requirement**

Claims 1-21 also stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. Specifically, the Examiner submits that the limitation discussed above is not enabled. Although the Applicant disagrees with the rejection, the Applicant has nevertheless amended independent claims 1, 18 and 20, from which claims 2-13, 16-17, 19 and 21 depend, in order to remove the disputed limitation. Claims 14-15 have been cancelled without prejudice. Accordingly, the Applicant respectfully requests that the rejection of claims 1-21 under 35 U.S.C. § 112, first paragraph be withdrawn.

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### **C. Paragraph 2**

Claims 1-21 also stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner submits that the limitation discussed above is not clearly understood. Although the Applicant disagrees with the rejection, the Applicant has nevertheless amended independent claims 1, 18 and 20, from which claims 2-13, 16-17, 19 and 21 depend, in order to remove the disputed limitation. Claims 14-15 have been cancelled without prejudice. Accordingly, the Applicant respectfully requests that the rejection of claims 1-21 under 35 U.S.C. § 112, second paragraph be withdrawn.

## **II. VOLUNTARY CLAIM AMENDMENTS**

The Applicant has amended independent claims 1, 18 and 20 in order to recite the limitations recited in original claims 14 and 15 (now cancelled without prejudice). Claims 16 and 17 have been amended to recite from amended independent claim 1. The Examiner indicated in the Office Action of January 13, 2006 that claim 15 would be allowable if rewritten into independent form including the limitations of all base and intervening claims (i.e., claims 1 and 14). Accordingly, the Applicant respectfully submits that claims 1, 18 and 20, as amended, are in allowable form.

## **III. CONCLUSION**

Thus, the Applicant submits that all of the presented claims fully satisfy the requirements of 35 U.S.C. §112. Consequently, the Applicant believes that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously

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as possible.

8/25/06  
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Respectfully submitted,

  
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